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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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11

12 **KENNETH W. SABEL,**

13 Plaintiff,

14
15 **v.**

16 **OFFICER S. MIZELL, A PUBLIC**
17 **EMPLOYEE AND EMPLOYEE OF**
18 **THE DEPARTMENT OF**
CALIFORNIA HIGHWAY
PATROL; DOES 1-10, INCLUSIVE,

19 Defendants.
20

EDCV13-1715 DSF (SPx)

CONFIDENTIALITY ORDER

[NOTE CHANGES MADE BY
THE COURT]

Judge: Dale S. Fischer
Trial Date: December 2, 2014

Action Filed: September 20, 2013

21 Pursuant to the stipulation of the parties Plaintiff Kenneth W. Sabel and
22 defendant California Highway Patrol Officer Steven Mizell, the Court orders as
23 follows:

24 A. Any party to this lawsuit may designate as “Confidential” any document
25 or information it produces or discloses to the other party through discovery, on the
26 ground such document or information has not been made available to the public and
27 contains or consists of information protected from disclosure pursuant to statutory
28 and/or constitutional rights to privacy or the official information privilege.

1 B. A document that already has been obtained through legal and appropriate
2 means from other sources, or previously obtained before this Order is entered, shall
3 not become confidential merely because a duplicate of the document is designated
4 as “Confidential”.

5 C. The designation “Confidential” shall be made by the party being
6 requested to produce a document or material by affixing on the document or
7 material containing such information, and upon each page so designated if
8 practicable, a legend stating “CONFIDENTIAL”. This designation also may be
9 made by segregating certain documents for a reproduction service to stamp
10 “Confidential.”

11 D. Documents or material designated as Confidential pursuant to this Order,
12 the information contained therein, and any summaries, copies, abstracts or other
13 documents derived in whole or in part from them, shall only be used for purposes of
14 litigation of this lawsuit.

15 E. Material designated as “Confidential” pursuant to this Order, the
16 information contained therein, and any summaries, copies, abstracts, or other
17 documents derived in whole or in part from them, shall be maintained in files to
18 which only persons designated in Paragraph F have access.

19 F. No person shall use, read or receive any document or information
20 designated as Confidential pursuant to this Order until they acknowledge in writing
21 having read this Order and agree to be bound by its terms. Documents or material
22 designated as Confidential pursuant to this Order, the information contained
23 therein, and any summaries, copies, abstracts or other documents derived in whole
24 or in part from them, shall not be shared, discussed, or disclosed to any person other
25 than the following:

- 26 (i) The parties, their attorneys and the legal staff of the parties’ attorneys.
27 (ii) Outside experts, consultants, and/or litigation support vendors who are
28 not employees of any party and who are expressly retained to assist counsel of

1 record for the parties (whether or not retained to testify at trial) solely for the
2 prosecution or defense of this lawsuit or the preparation of this lawsuit for trial.

3 (iii) Any mediator presiding over a mediation between the parties concerning
4 any issues arising in this lawsuit.

5 G. Any party may use a document or information designated as Confidential
6 pursuant to this Order at a deposition but must designate the portion of the
7 deposition transcript using such document or information "Confidential" by
8 notifying all parties, in writing, within fifteen (15) days after receipt of the
9 deposition transcript. Any deposition for which a confidential document or
10 information is used shall contain the following notice on the cover and caption page
11 of the deposition transcript or video disk:

12 RESTRICTED

13 THIS DEPOSITION TRANSCRIPT/VIDEOTAPE CONTAINS
14 CONFIDENTIAL INFORMATION SUBJECT TO A CONFIDENTIALITY
15 ORDER

16 H. A failure of the court reporter or videographer to place the above notice
17 on any deposition transcript or videotape shall not exempt such deposition
18 transcript or videotape from the provisions of this Order.

19 I. If any document or information designated as Confidential pursuant to
20 this Order is included in any papers to be filed with the Court presiding over the
21 Action, such papers shall be labeled Confidential and the filing party shall apply to
22 file the papers under seal in accordance with Local Rule 79-5.1.

23 J. In the event that any document or information designated Confidential
24 pursuant to this Order is used in any court proceeding, it shall not lose its
25 confidential status through such use, and the party using such document or
26 information shall take all reasonable steps to maintain its confidentiality during
27 such use.
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1 K. A party who has received a document or information designated
2 Confidential pursuant to this Order may bring a motion before the Court seeking an
3 order removing the "Confidential" designation on the ground the document or
4 information is not protected from disclosure by the statutory or constitutional
5 privacy rights of any individual or the official information privilege.

6 L. Within sixty days of final resolution or adjudication of this lawsuit by
7 final judgment or, if no such judgment is entered, the execution of a settlement
8 agreement by all the parties, any person in possession of documents or information
9 designated Confidential pursuant to this Order, or any summaries, copies, abstracts
10 or other documents derived in whole or in part from material designated as
11 Confidential pursuant to this Order, shall return such documents and material to the
12 parties, and all copies of the same, or shall certify the destruction thereof.

13
14 IT IS SO ORDERED.

15 DATED: March 27, 2014

16
17 By:



18 SHERI PYM
19 United States Magistrate Judge

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